App F IX 4

mnl 138-46(3, 4) 1946 47 (mnml)

File No 41-46

Serial Nos 66, 67

Previous References
mnl 43-43 (20, 27, 28)

Later References
mnl 46-49 (17, 18)

GENERAL AND REVENUE SECRETARIAT

Serial Nos
120

Part B for March 47

SUBJECT

Re constitution of the Chengelpet-town municipal Council for a period of 3½ years from 1.3.47

K 11906 dt. 1.3.47

To

The Compiler of Statistics, Madras.

General and Revenue Secretariat | ML File No 6439/L of 1946-47

Serial No

Letter No M66 8999/46-47 Dt 14-2-47 from the Dy Com Bd and also Dt submitting for sanction proposals for the reconstitution of the Closepet Town ML CL with effect for a period of 3 years with effect from 1-3-47.

"T" 1 ML 43-44-20 relating to the reconstitution of the Closepet town ML CL for a period of 3 years from 1-3-44 is put up

2 A copy of GO No L 2845-53/ML 42-44 29 Dt 30-9-44 issuing instructions in regard to the subn of Proposals for the reconstitution of the Town ML CLs in the State is also put up

3 The present term of the Closepet town ML CL expires on 28-2-47 and it has to be reconstituted with effect from 1-3-47

4 The strength of the ML CL is 20, exclusive of the Sub Divn officer, Closepet as Odt, of whom 15 are elected & 2 are Ex-officio (Viz, (1) The Sr P W D officer & (2) The Health officer, Rural Health Centre, Closepet) and 3 persons have to be nominated by Govt

The statement flagged "L" contains the names of the elected candidates and the communities to which they belong.

Muslims 6,	These Communities have been represented on the Council by election
Brahmins 2	
Reddiyar 2	
Vysya 1	
Banajiga 2	
Vishwakarma 1	
Rajaput 1	
15	

NOTE- Contn Sheet

Serial No

The unrepresented major Communities together with their population are as follows

Adikarnatakas	Population	1132
Mahrattas	"	356
Voddars		325
Thugalars		293
Lingayets		205
Christians		141

The Dist. Town Municipal Council has recommended the proper nomination following persons for nomination (Should be selected)

1 Gundas son of Javara Dass Mysore or Pandith — Adikarnatakas
2. S M Mannaya Rao — Maharatta
3 K R Gangadharaiah — Lingayet
4 Yejman Dass — Voddar.
5 Yallegowda — Thugalars

but the Dy Commr has proposed the following persons -

1 Mysore Papaiah — Adikarnataka — A
2. S M Mannaya Rao — Mahratta
3 Yallegowda — Thugalar

No mention is made about the Vokkaliga representation on the mun. Council. Neither is their population mentioned

In this Connection, the Dy Commr, Bldr Dt has brought to the notice of Govt that one Mr A K Khadir Peeran has filed a petn objecting to the validity of the candidature of Mr Syed Abdul Samad, on the ground that he is a Govt servant & that his resignation to the Post of the school master held by him

Serial No

has not been accepted & that therefore he is ~~incapacitated~~ disabled from standing as a candidate

9 From the references flagged "U & W" it is seen that the resignation of Alhr Syed Abdul Samm has not yet been accepted

10 The Dy Commr requests that the entire election may be notified & that if his resignation is not accepted before 1-3-47, the date on which the reconstitution will come into effect from 1-3-47, the seat may then be deemed Vacant

11 A petn was also filed by Alhr Khadir Peeran before Govt requesting to set aside the election of Alhr Syed Abdul Samm & the Petn was forwarded to the Dy Commr, Bldm Dt for a report. The Connected file is linked herewith.

Submd for orders

11/8/1947 12 A letter dated 15/1/47 was received from one Mr Khadir Peeran objecting to the election of Mr Syed Abdul Samm, on the ground that the latter's resignation for the post of Parliamentary Secy has not yet been accepted by the Govt. A report has been called for thereon from the Dy Commr Bldm Dt & receipt is still awaited. Kind reference is invited to the detailed report of the Returning Officer of the Election in a separate petn addressed to the Dy Commr Bldm Dt forwarded herewith for report

NOTE—Contn Sheet

Reconstitution of Closet Committee

File No | of 194 | General and Revenue Secretariat

Serial No

for reasons mentioned by the D.C the election of one Syed Abdul Rauf as a member of the closet committee may be notified.

13) We propose that the D.C Khairpur address a letter requesting the nomination of three persons for the Hyd and three for Sukkur Reserve Seat in the Assembly. Flag A

14) Whether has the Khairpur petition been referred by the D.C? It is not a definite order necessary, because it would affect the reconstituted itself? This question should be considered apart from the Expected resignation of the Member. Flag B 20/2/47

15) Kindly refer to para 4 of the detailed report of the Sub Divisional Officer, closet on the subject. In para 4 of the report, it is stated that the only way of contesting the validity of the election of the said Syed Abdul Rauf is to have quashed the order of the District Judge under sec 20 of the Sind Elections Act, 1937. That course has not been adopted by the petitioner Mr Khuhro Peerani. No objection is stated to have been presented at the time of the

Serial No

Scrutiny of the applications for candidature either. Having regard to these facts, no definite order could be passed by the DC as to the validity of the election and as recommended by him, the subject was to be referred to the Law Department for opinion.

(16) For orders and report to Parliament

Secy. Local Govt
21/2/47

17) The Law Branch may be consulted whether it would be proper to notify the Elections as suggested by DC, without passing a definite order on the Objections petitioned.

18) To be done immediately
Law
21/2/47
xxx

19) In favour of opinion on the above point

Asst. Secy.
Law Section
Secy Local Govt
21/2/47

fr 21/2

20) The only way of contesting the validity of election of a municipal councillor is to apply to the District Judge concerned under Sec 20 of the Town Municipalities Act

21) In the present case, the disqualification of a member and the consequent irregularity as invalidating the election is brought to the notice of Government by a

3501/L
846/M

File No of 194 | General and Revenue Secretariat

defeated candidate Sec 12-2(c) of the Town Municipalities Act disqualifies a person from continuing to be a councillor if he subsequently becomes a salaried servant of Government It is clear that Government servant cannot be a member of the Municipal Council This kind of disqualification is brought to the notice of Government for the first time If the allegations are true, the Government cannot notify that he has been duly elected as a member of the Council

22) Though the validity of election could be questioned by the defeated candidate only in a Court under Sec 20, Government has power to withhold approval if it is brought to its notice that there is a patent irregularity vitiating the election It is desirable that where a patent irregularity is alleged, the Government should decide the question, especially as it is capable of verification

Land Secy) 24/2

23) Legr Branch 24/2

24) Section 12(1) of the Town Municipalities Act sets out the formal disqualifications for becoming a Councillor Being a Govt servant is one of them 12(2) also sets out the circumstances in which a Councillor vacates

Please see Election Rules and draft
DR 24/2
25) DR 24/2
A copy of the draft Election rules is put up
DR 25/2

WD 05233—GPB—15 000—8-1-47

Serial No

his seat if he becomes subject to the disqualifications set out therein does not also say that he will be disqualified if he becomes a fair servant or any where by becoming a fair servant, the proportion set out in 9(2) is exceeded that it will operate as a disqualification.

27) The objection is fair & the Govt can amend the Municipal act and no doubt action will be taken in fair. Rule 35 of the Election Rules is clear that fair can only notify the election as declared in the communication received by him & can do nothing else

28) In the present circumstances it appears that fair have to notify

29) If later it turns out that the person in question was disqualified for standing and was elected nevertheless then the last sentence of 12(1) says that his seat shall be declared to be vacant and further action can be taken on that basis

Law Secy 26/7/47

30) I agree with the opinion of the Advocate General Bombay & B I have expressed a similar opinion as to B previously in connection with the power of opinion vested in the Chief Municipal Commissioner I think the words of the Election Rules to be more precise

Bombay Govt Law Secy 26/7/47

NOTE—Contn Sheet

"F"

Re Constitution of the Closepet Town Municipal with effect from 1-3-1947

File No. 6439/L of 1946/47

General and Revenue Secretariat R A & L C

Serial No

1) For the perusal of the Council proposed by the Law Dept, the name of Mr Syed Abdul Samad as an elected member of the Closepet Town Municipal will be notified

32) The recommendation of the Dy Commissioner regarding the nomination of three members to the Municipal Council for orderly better proposed the following names:-

1) Mr Mysore Gopala — Advocate

2) Mr S. M. Ramaiah — Merchant

3) Mr Venkatesha — Merchant

Perused for approval

33) The result of elections may be notified the proposed nominations may also be accepted

Mem Rev)

26/2/47

7/2

1/3/47

Draft notification submitted

Mar 1/3/47

Secretary

1/3/47

OFFICE OF THE MINISTER FOR REVENUE
No. 6978
Date 26-2-1947

REVENUE SECTION
1 MAR 1947
G.O.L. & REV. SECTT

General and Revenue Secretariat | Rl File No 41 of 1946-47

	Serial No	
	67	To The Compiler, Mysore Gazette No L 11986 Dt 1-3-47 Notifies the reconstitution of the Cowpet Town Mcl. with effect from 1-3-47 for a period of 3 years To The Dy. Commr, Bldr &c No L 11987 Dt 1-3-47 forwards a copy of the above.
1-3 3/3		

OTL– Contn Sheet

File No | of 191 | General and Revenue Secretariat

Serial No

5622
L

Petn dy 15-1-47 from Mr A.K. Khader Peeran, Mc Member, residing in Mayo Mohalla, Closepet, requesting that the election of Mr Syed Abdul Samea to the closepet town mc may be set aside as he is a Govt Servant ineligible for election & that he may be declared as elected in view of the fact that he is the next candidate who secured the large no of votes

subt for orders with a memo on the Petn calling for a report from the Dy Commr. Blore &c

Mks 20/1

May a report be called for on the petition?

new reg 21/1/47

Yes Sd 22/1/47

Memo already put up on the Petn is subt for favour of immediate

Mks 23/1

orders 23/1/47

L-10477
24/1/47

TYPING SECTION
24 JAN 1947
GEN & REV SECTT

Addl Secy (rec'd)

Secy A 25/1

5622
L

The file relating to the reconstruction of the Cheepet Town Area for a period of 3 years from 1-3-47 is put up

In view of the appl of the election of Mr Syed Abdul Sami, it is for orders whether this reference may also be placed in the file below } at
W/B 8/3 } sent for orders

A. yes

M

ML 41-46-6.6

No.M.6.1899/46.47

Office of the Deputy Commissioner
Bangalore District
Dated 14th February 1947.

GEN & REV SEC TARIAT
6439
18 FEB 1947
BRANCH

To

J.B. Mallaradhya Esq., M.A.,
Secretary to the Government of Mysore,
Revenue Department, Bangalore.

Sir,

REVENUE SECRETARIAT
GOVERNMENT OF MYSORE

Sub - Reconstitution of Town Municipal Council Closepet from 1-3-47.

I have the honor to state that the term of the present Town Municipal Council, Closepet, which was reconstituted for a period of 3 years from 1-3-44 in Government Notification No.L.9119/M1.43.44.20 dated 1.3.44 expires on 1.3.47. Action was taken for the reconstitution of the council for a period of 3 years from 1-3-47. In the election held on 3-1-47, the following candidates returned successful. The community to which they belong is also noted against their names.

Sl No.	Name	Community
	Messrs:-	
1	A.M. Venkatashamiah	Banajiga
2	G Subba Rao	Brahmin
3	V. Puttanarasiah	Brahmin
4	K Subbiah Reddy	Reddiyar
5	R. Krishniah Reddy	do
6	Advi Narasimhaiah	Banajiga
7	K.M. Ramalingaiah Setty	Vysya
8.	Syed Abdul Hakeem	Muslim
9	Yusuff Ali Khan	do
10.	Abdul Sattar	do
11.	Chikkannachar	Vishvakarma
12.	Khadir Basha Saheb	Muslim
13.	S. Chandrabhan Singh	Rajaput
14.	Syed Abdul Sami	Muslim
15.	Mahomed Yusuff bin Mustafa Sab.	do

The above candidates were declared as duly elected at a special meeting of the Municipal Council held on 4.1.47.

The total strength of the council is 20. Excluding the above 15 members, the remaining 5 members have to be nominated of whom two are Ex-officio The 2 Ex-officio members in the existing council are

1. The Senior Public Works Department Officer
2. The Health Officer, Rural Health Centre, Closepet

and they may be nominated.

Excluding the communities represented in the elections, the communities deserving of representation on the council as per population of 1941 census are:-

a	Adikarnatakas	1132
b	Mahrattas	356
c	Voddars	325
d	Thigalars	293
e	Lingayets	205
f	Christians	141

The President, Closepet Municipal Council has proposed the following persons for nomination.

Messrs:-

1.	Giridasi son of Javara Dasi or Mysore Papaiah	ADIKARNATAKAS.
2.	S.M. Mannaji Rao	MAHRATTA
3.	K.R. Gangadhariah	LINGAYET
4	Yajaman Dasi	VODDARS
5.	Yalle Gowda	THIGALARS.

The age, property andother qualifications of these persons are detailed in the President's report sent herewith.

Of the above persons I recommend that

Messrs:-	1	Mysore Papaiah	Adikarnataka
	2.	S.M. Mannaji Rao	Mahratta
	3.	Yellegowda	Thigalar

may be nominated.

The council has not been given the privilege of electing its President and the Sub Division Officer, Closepet is the Ex-officio President. Hence under section 23(2)(b) of the Town Municipalities Act, the Sub Division Officer, Closepe Sub Division may be appointed as the Ex-officio President of the Council and he shall be an additional councillor thereof under the proviso to section 9(2) of the said act.

In this connection it is to be brought to notice that a petition dated 6 X 47 had been received from one A.K. Khadar Peeran, a defeated candidate in the election objecting to the validity of the candidature of Mr Syed Abdul Sami, an elected candidate (referred to in serial No.14 supra) on the ground that he is a Government servant and that his resignati

to the post of the school master held by him has not been accepted and that he is therefore incapacitated from standing as a candidate etc. The report received from the Sub Division Officer, Closepet, in this behalf, together with its enclosure is sent herewith. It is seen therefrom that the question rests on the point whether the resignation of the elected candidate Mr. Syed Abdul Sami, to the post he held, has been accepted by the department or not. A reference has been made to the District Educational Officer in this behalf Pending receipt of the reply, the election of this candidate may be approved by Government and if the resignation of this candidate is not accepted before 1-3-47, the seat may then be deemed vacant.

I request that a Notification may kindly be caused to be published in the Gazette reconstituting the council for a period of 3 years from 1-3-47.

The connected papers accompany for favour of reference

I have the honor to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Bangalore District

T.M.C

L. 11986/ Rel 41-46-67

Zerox

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Abs

No L L. 11986 Bangalore, Dated, 1/3/47

NOTIFICATION

Under Sections 9 10 and 15 of the Mysore Town Municipalities Act 1933 and the rules framed thereunder the Town Municipal Council of closepet shall be reconstituted as follows for a term of three years commencing from 1-3-1947

A Section 9 (1) (a)-Elected Councillors

1 Mr A M Venkatashamaiah ✓
2 " G subba Rao ✓
3 " V Puttannaiah
4 " K subbah Reddy ✓
5 " R Krishnaiah Reddy ✓
6 " Adv Narasimhaiah ✓
7 " K M Ramalingaiah Setty ✓
8 " ~~Reddy~~
9 " Syed Abdul Hakeem ✓
10 " Yusuff Ali Khan ✓
11 " Abdul Sattar ✓
12 " chikkanna chetty ✓
13 " Khadir Basha saheb ✓
14 " ~~S chandra~~ S chandrabhan Singh ✓
15 " Syed Abdul Samad ✓
~~Hak~~ Mahomed Yusuff bin Mustafa Sab ✓

B Section 9 (1) (b) (i)-Nominated Councillors

1 Mr Mysore prasad ✓
2 " S M Ramaraya Rao ✓
3 " Yellegowda ✓

C Section 9 (1) (b) (ii)-Ex-officio Councillors

1 The Senior Officer of the P W D, closepet
2 The Health officer Rural Health centre, closepet

2 Under Section 23 (2) (b) of the said Act the Revenue Sub Division Officer in charge of the ~~Taluk/the Amildar of the~~ closepet Revenue ~~Taluk/the Deputy Amildar of the Sub-Taluk~~ is appointed

the Ex-officio President of the said Municipal Council and under the proviso to Section 9 (2) thereof, he shall be an additional councillor

By Order,

Secretary to Government,
~~Law~~ Revenue Department

To-The Compiler Mysore Gazette for publication in Part III-3 of the Gazette and supply of 10 copies thereof to the Secretariat and to the Deputy Commissioner Bangalore District

Memo - 2 11987 1/3/47

Copy of the above is forwarded with compliments to the Deputy Commissioner ~~M-6-1899/46~~ Bangalore District for information with reference to his No 2 dated 14-2-47 M 6 1899/46

The records accompany

By Order,

Secretary to Government
~~Law~~ Revenue Department